



## Portugal

### Country Reports on Human Rights Practices - [2003](#)

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The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, and a Parliament freely elected by secret ballot in multiparty elections. National elections were held in March 2002. The judiciary is independent.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service (SEF) has jurisdiction on immigration and border issues. The civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The country had a market-based economy with a population of approximately 10.4 million; during the past few years, the number of foreign immigrants quadrupled. The service sector was the leading source of employment, while employment in agriculture and industry continued to be static or declined. Manufacturing provided approximately 30 percent of total economic output.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were isolated cases of police brutality, including three cases that resulted in deaths. Prison conditions remained poor, although there were some improvements. Lengthy pre-trial detention remained a problem. Trafficking in foreign laborers and women also was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, police shot and killed three persons during the year. The Inspectorate General of Internal Administration (IGAI), under the Ministry of Internal Administration, handled disciplinary proceedings against members of the GNR, PSP, and SEF involved in violent incidents (see Section 1.d.).

In three different cases, police shot and killed three persons who refused an order to stop during apprehension. After investigating, the IGAI initiated disciplinary proceedings against GNR officers and PSP officers involved in the incidents.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were infrequent but credible reports that police and prison guards beat and otherwise abused detainees.

The Government investigates reports of police mistreatment (see Section 1.d.). According to its annual activity report, the IGAI investigated 320 new incidents involving law enforcement agents during 2002. Of these 320 incidents, 5 involved the death of a civilian, 3 involved suicides of detainees, and a few involved injuries from firearms. Sixty of the incidents were deemed to have sufficient grounds for an investigation, 34 of which entered the disciplinary phase. At the end of 2002, the most recent year for which figures are available, 3 of the investigations ended in punishment, 25 were pending, and the rest were dismissed for lack of any evidence of improper action by the officer.

While investigating the case of three PSP officers who allegedly beat Aizhong Lin in custody in 2002, the IGAI found there was not enough evidence to warrant sanctioning the officers, but was awaiting the result of ongoing criminal proceedings in Lisbon before closing the case. After investigating and conducting two disciplinary proceedings related to the 2002 beating of Artur da Conceicao by PSP officers in Faro, the IGAI found the officers acted inappropriately and handed down punishments. The IGAI's investigation of the 2002 partial blinding of Pedro Miranda by a PSP officer led to two ongoing disciplinary proceedings.

Prison conditions remained poor, although there were some improvements. Problems included: overcrowding, inadequate facilities, poor health conditions, drug use by inmates, violence among inmates, and prisoner mistreatment by guards. According to the General Directorate for Prison Services (DGSP), there were 13,711 persons in prison at year's end. According to the DGSP, the overcrowding rate was 13.2 percent, representing a marked improvement over the 21.2 percent in 2002. This reduction was primarily due to use of additional capacity in three prisons. Although the physical expansion of the prisons had been completed earlier, they could not be fully utilized because of a lack of guards. The Government addressed this problem by hiring and training approximately 700 guards, allowing the new spaces to be used during the year. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had criticized prisons, particularly the one near Porto. In December 2002, the CPT visited the newly expanded (three new pavilions) prison facility near Porto, noting the positive impact the expansion would have on reducing overcrowding and improving safety.

Approximately 30 percent of the prison population had Hepatitis B or C, and 14 percent were HIV-positive. According to the DGSP, 100 persons died in prisons during the year, 15 of them by suicide (compared with 97 deaths, 19 by suicide, in 2002). A study released during the year claimed that the country has the highest prisoner mortality rate in the European Union.

Men and women were held separately. Although there was one youth prison in Leiria, juveniles were at times held with adults elsewhere in the prison system. Pretrial detainees were held with convicted criminals.

The ombudsman investigated complaints of mistreatment by the police and prison authorities. The IGAI also conducted internal investigations in cases of alleged mistreatment in police detention centers.

The Government permitted visits by independent human rights observers during the year.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The primary problems with the police forces were understaffing and inconsistent or weak law enforcement. There were approximately 50,000 law enforcement officials in the country. Although the media covered a large investigation during the year into GNR traffic agents who allegedly "forgave" traffic violation fines, there were no indications that corruption was a widespread problem, and the head of the GNR's Traffic Brigade was replaced in December.

The IGAI investigated the killings by GNR agents and PSP officers in 2002 and found that PSP officers acted appropriately in the 2002 killing of Osvaldo Vaz in Lisbon. The IGAI found that the PSP officer who killed Nuno Lucas in Porto in 2002 acted inappropriately, and recommended he be dismissed from the force. They also determined that the PSP officer who killed Antonio Tavares Pereira in Setubal in 2002 acted inappropriately, and the officer was suspended for 225 days. A criminal case against the officer for aggravated homicide in Setubal was in the final phase at year's end.

An independent ombudsman is chosen by the Parliament and the IGAI to investigate complaints of mistreatment by the police; however, nongovernmental organizations (NGOs) have been critical of the slow pace of investigations. The law provides detailed guidelines covering all aspects of arrest and custody. During the year, police officers received extensive professional training, and the Government regulated their actions through mechanisms established by law.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers, and the State assumes the cost if necessary.

During the year, prisoners went on hunger strikes to protest, among other things, prolonged periods of preventive detention. The average number of prisoners returned to custody by court order ("remand") was high. By year's end, 3,778 individuals (27.6 percent of the prison population) were in "preventive detention." Preventive detainees remained in prison under this status for an average of 26 months, and up to 6 years. Judges argued that preventive detention was justified by the high incidence (40 percent) of repeat offenders. The Government began implementing the use of an electronic monitoring device as an alternative to preventive detention, with 50 preventive detainees in Lisbon participating in the program at the end of 2002. One difficulty in expanding the program was that detainees must have a fixed residence with a telephone connection and electricity. Many

preventive detainees were drug addicts who lacked these requirements.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system, provided for in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which handles administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials were extremely rare.

In the investigative and indictment phase of a high-profile pedophilia scandal, the ruling party and opposition members exchanged accusations of interference with due process (see Section 5). President Sampaio publicly criticized prosecutors for leaking privileged information to the media concerning this case.

Critics pointed to a large backlog of pending trials resulting from the inefficient functioning of the courts. Many factors contributed, including the underutilization of technology, a confusing and drawn out method of serving subpoenas, and the reluctance of the justice system to accept change. A study by the Permanent Observatory of Justice (OPJ), released in July, reported that the average length of a "first instance" judicial process was 912 days, with 14.7 percent of the processes taking over 5 years.

There were 332 courts in the country, and approximately 3,000 magistrates and judges. A law was passed in 2001 to reduce the case backlog by increasing the number of judges and by providing for a reduction in the time it takes a lawyer to become a judge. Another law provides that witnesses may testify in cases heard in distant jurisdictions via teleconference. The Ministry of Justice also implemented a plan to speed up the serving of subpoenas. Despite these reforms, staff shortages and court delays continue to be a serious problem. The President of the Judicial Workers' Union (SFJ) noted in December that courts have 1,200 vacancies (15 percent of total positions), and that although 12 new courts are scheduled to open in January 2004, they will be staffed with current employees.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Some groups have complained about the use of wiretaps by law enforcement agencies. The Government responded to such allegations by initiating a review of related policies.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. Internet access was not restricted.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Roman Catholic Church is the dominant religion. Although the overwhelming majority of citizens are Roman Catholic, other religions, including Islam, Protestant Christian denominations, Judaism, and Eastern Orthodox, were practiced freely.

The 2001 Religious Freedom Act created a legislative framework for religions established in the country for at least 30 years, or recognized internationally for at least 60 years. The Act provides qualifying religions with benefits previously reserved for the Catholic Church: full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays. In December, enabling rules were enacted for governing the commission that will supervise the country's religious freedom; however, some rules are still needed to create a registry of religious entities.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee or asylum status to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. However, the Government maintained that the majority of asylum seekers were economic refugees using the country as a gateway to other EU countries.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualified as refugees were entitled to residence permits. The total refugee population in the country was 304, including 93 from Angola and 84 from Mozambique.

During the year, 88 individuals and families, primarily from Angola, Georgia, Yugoslavia, Ukraine, Liberia, and Colombia filed asylum applications. Of the 88 applications, 2 were granted refugee status under the Geneva Convention, 11 were granted "humanitarian" residence permits, and 75 were refused. Of the 75 refusals, 16 were turned back at the border and returned to the country from which they traveled, while the rest (who were inside the country's borders when they applied) were given time to depart voluntarily before being subject to regulations governing illegal immigrants. Separately, 75 families were granted "humanitarian protection" during the year, including from Sierra Leone, Mongolia, Belarus, and Colombia.

The number of asylum applications has decreased steadily since 1998, and was at the lowest number since 1990. In 2002, there were 180 applications for asylum (primarily from Angola, Poland, and Sierra Leone), of which 14 were granted refugee status and 18 were granted "humanitarian" residence permits. The Government provides basic housing in the capital's outskirts, food, and a small amount of money for expenses for these persons. The law provides that the NGO Portuguese Refugee Council (CPR) be included in the asylum process; it provided assistance, including legal advice and temporary housing. In his visit report, the European Commissioner for Human Rights said this system worked well and praised CPR for its work.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage. The country is a multiparty parliamentary democracy.

There were 48 women in the 230-member Parliament. Four cabinet members--the Ministers of Finance, Foreign Affairs, Justice, and Science/Higher Education--were women. Six women held state-secretary positions, which were one rank below cabinet ministers. Some political parties adopted internal quotas for women.

Race was rarely an issue in politics; during the year, the U.N. Human Rights Committee commended the Government for allowing foreigners to vote and to run for office in local elections.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were receptive to their views; however, most groups complained of slow investigations or remedial actions.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ancestry, sex, language, origin, political or ideological convictions, education, economic situation, or social condition; however, some discrimination against women and ethnic minorities persisted.

##### Women

Domestic and other violence against women reportedly was a common but partially hidden problem for which few sought legal recourse. In the first half of the year, the Association for Victim Support (APAV), a non-profit charitable organization that

provided confidential and free services to victims of any type of crime nationwide, received 5,006 requests for assistance via its toll-free hotline and at its offices in 13 cities. The individuals seeking help (more than 86 percent of whom were women) reported 9,928 crimes, 90 percent of which were a form of domestic violence. The Commission for Equality and Women's Rights ran 14 safe houses for domestic violence in the country and also had a 24-hours-a-day, 7 days-a-week phone service.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted suspects accused of abusing women; however, traditional societal attitudes still discouraged many battered women from recourse to the judicial system. The law defines domestic violence as a public crime, which obliges the police to follow through on reports of domestic violence. This gives police and the courts more leverage to prosecute such cases, and removes some of the burden on the abused women to file charges. The Penal Code grants any interested party the ability to file charges in domestic violence cases.

Parliament continued to address the problem of domestic violence through legislative initiatives. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police may order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. The law establishes a national support network and a system of compensation for victims of domestic violence. Another law provided for the expansion of the system of shelters for victims. The Government also strengthened educational campaigns for the public and specialized training for the police.

Neither prostitutes nor clients are punishable under the law, and prostitution was common. Under the law, only pimping, brothels, and the registration of prostitutes are illegal. Trafficking in women for the purpose of prostitution continued to be a problem (see Section 6.f.). Prostitution was linked closely to other types of organized crime, particularly international narcotics trafficking. The NGO Nest operated economic and social recovery programs for prostitutes.

Sexual harassment is defined as a sex crime if perpetrated by a superior in the workplace. The penalty is 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discouraged many women from taking advantage of the legal protection available. The Commission on Equality in the Workplace and in Employment, comprised of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment; however, it received few such complaints.

The Civil Code provides for full legal equality for women. As of October, women comprised 51.6 percent of the total population and 51.7 percent of the unemployed. Out of the 396,601 students enrolled in higher education in 2002, 57 percent were women. Although women increasingly were represented in business, science, academia, and the professions, their average salaries were about 30 percent less than men's. The Commission for Equality and for Women's Rights (CIDM) continued to press for improved conditions for women.

The Commission on Equality in the Workplace and in Employment reviewed numerous complaints of discrimination by employers against pregnant workers and new mothers, who were protected by law. The law provides for 120 days of maternity leave with full pay and benefits. After return to work, a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the Government Equality Commission (CITE), which addresses equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

#### Children

The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15, most of whom attend school. The Institute of Solidarity and Social Security, located within the Ministry of Labor and Solidarity, oversees implementation of the Government's programs for children. The Institute initiated a program to coordinate assistance for children of immigrant families and a program to support early childhood, which included the provision of better childcare facilities. The Government provides preschool education for children age 4 and older upon entry into primary school. Each year the number of students enrolled in preschool has increased. The Institute also improved the quantity and quality of temporary shelters for children aged 3 months to 3 years.

The Ministries of Labor and Solidarity, Justice, and Health sponsored a program in the maternity wards of hospitals to register newborns and enroll them in the social security and health programs. The Government provides free or low cost health care for all children up to the age of 15.

Abuse of children was a problem, although there was no societal pattern of such abuse. APAV reported 423 cases of crimes against minors (under 18) in the first half of the year, primarily involving domestic violence.

The law defines pedophilia to include consumers of child pornography as well as producers. Following guidelines approved by the EU, the Government has amended its legal code concerning pedophilia. Courts may request jurisdiction of cases involving

resident nationals who commit pedophilia abroad, regardless of the victim's nationality or whether the act committed is considered a crime in that country.

High-profile investigations and court proceedings that began in 2002 related to a pedophilia operation at "Casa Pia," a children's home that has approximately 4,600 children in its care in Lisbon continued at year's end. Staff reported that more than 100 of the boys and girls who reside there may have been abused over several years. After conducting over 600 interviews and developing a 13,000-page investigation report, public prosecutors formally charged 10 persons on December 29. Those indicted include prominent political and media figures, as well as a Casa Pia worker who was charged with more than 1,000 acts of sexual abuse. Approximately half of the defendants remained in preventive detention at year's end, awaiting the start of the trials.

The interest in the Casa Pia case has led to increased awareness and intolerance of pedophilia throughout the country, including the autonomous regions of the Azores and Madeira. During the year, Judicial Police in the Azores carried out 50 investigations and questioned 19 persons suspected of participating in a pedophilia ring, and arrested the suspected organizer. A prominent Azorean government official resigned over the scandal. In a separate case in the Azores, a former city district president was sentenced to 5 years in prison for sexually abusing a 12-year-old boy. In Madeira, police received over 20 pedophilia complaints during the year.

In part to decrease the number of children in foster homes, in August, the Government passed a new adoption law that eliminated some bureaucratic procedures, significantly reduced wait and evaluation periods, and increased legal protection for adopting parents.

Trafficking of children for prostitution and forced labor remained a problem (see Section 6.f.).

The National Commission for the Protection of Children and Youth at Risk, a governmental organization, is charged with implementing the principles of the U.N. Convention on the Rights of the Child. The Commission organized public awareness programs and promoted legislation that protects children's rights. Along with the Institute for Social Development, the Commission distributed to students copies of the articles included in the Convention of the Rights of Children. The two organizations also produced two books geared toward educating children about their rights. The quasi-independent Institute for the Support of Children (IAC) organized a network of 48 NGOs dedicated to helping at-risk youth. It served as an information clearinghouse for NGOs working on children's issues, provided telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect, and operated services assisting street children. IAC also organized a European Conference on the "Disappearance and Sexual Exploitation of Children" in Lisbon in October. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or the provision of other state services. The law mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

#### National/Racial/Ethnic Minorities

The principal minority groups were immigrants, legal and illegal, from the country's former African colonies, Brazil and Eastern Europe. Approximately 500,000 legal immigrants were living in the country, representing approximately 5 percent of the population. The country also had a resident Roma population of approximately 50,000 persons.

The law permits victims and anti-racism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. Anti-racism laws prohibit and penalize racial discrimination in housing, business, and health services, and provide for the creation of a Commission for Equality and Against Racial Discrimination (CERD) to work alongside the High Commissioner for Immigration and Ethnic Minorities.

In its 2002 report, the European Commission Against Racism and Intolerance (ECRI), acknowledged many positive steps taken by the Government to counter racism, including: adopting a law prohibiting racial discrimination; launching activities promoting the integration of immigrant and Roma communities in education and work; raising human rights awareness among police officers and judges; and giving CERD competency to examine individual applications. However, ECRI criticized the low number of racial/religious discrimination prosecutions, the lack of reliable information about the situation of minority groups, reports that some police used excessive force against immigrants and Roma, and that Roma were reportedly subjected to ill-treatment by police.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the right to establish unions by profession or industry. Workers in both the private and public sectors had the right to associate and to establish committees in the workplace to defend their interests, and they exercised

these rights freely.

Two principal labor federations existed: The Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limited the formation of additional labor federations. Unions functioned without hindrance by the Government and were associated closely with political parties. Trade union associations had the right to participate in the preparation of labor legislation.

The law prohibits anti-union discrimination, and the authorities generally enforced this prohibition in practice. The General Directorate of Labor promptly examined complaints.

There were no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining, and it was practiced extensively in the public and private sectors. Collective bargaining disputes usually were resolved through negotiation. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The Constitution permits strikes for any reason, including political causes; they were common and generally were resolved through direct negotiations. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes lasted only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement was applied infrequently. When it was applied, minimum levels of service were established by agreement between the Government and the striking unions. Unions have complained, including to the International Labor Organization (ILO), that the minimum levels have been set too high. Police officers and members of the armed forces may not strike legally, but they did have unions and legal recourse within the justice/court system.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and sectorally. The greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.

In 2001, the Government estimated that 46,717 children on the mainland engaged in some form of economic activity, of whom 40,001 were unpaid family workers and 6,716 worked for third parties. Of those children engaged in economic activity, 86.2 percent were attending school. Most children engaged in economic activity come from the northern (57.7 percent) and central (26 percent) regions of the country. The agricultural sector employed the most children, followed by commerce, manufacturing, hotel and catering, and construction. Of those children who worked, the majority worked 1 to 3 hours per day, 1 to 2 days per week. However, some commonly worked 6 to 7 days per week.

A report published during the year by the University of Minho's Children Studies Institute noted that although child laborers in factories were common 5 years ago, efforts by government and NGO programs have almost eliminated this problem. The report said that inspections of workplaces have increased, and that fewer children have been found working. Also, school attendance has increased, with dropout rates at approximately 2 percent. However, the study noted that children continued to work in family settings, seasonal agriculture, and the restaurant and tourism industries. The extensive national network designed to combat child labor shifted some of its resources toward these businesses.

The Government's principal entity addressing, monitoring, and responding to reports of child labor is the Plan for the Elimination of Exploitation of Child Labor (PEETI). While youth from Lisbon and surrounding areas only accounted for 13.5 percent of program participants, they accounted for the highest percentage of youth subject to the worst forms of child labor. Of the child labor cases handled by PEETI in 2002, 88.7 percent involved dropping out of school (seen as a risk indicator for child labor), 4.3 percent were confirmed child labor cases (an additional 5.3 percent were unconfirmed reports of child labor), and 0.3 percent were confirmed cases involving the worst forms of child labor (an additional 0.9 percent were unconfirmed worst child labor reports). Of the 2002 cases, 19.8 percent were children under the age of 15, which is the age limit for compulsory education.

During the year, PEETI launched a comprehensive website on child labor, which included a document center and a 224-page guide on legislation and resources. It has developed, in conjunction with several NGOs, an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. There were

34 programs established in the country serving approximately 600 youth. Most of the programs were concentrated in the northern region of the country, where 73 percent of the youth were served.

PEETI gave "scholarships" to help offset the loss of income to the family. Up to 800 teenagers participated in this work-study program on a rotating basis during the year. PEETI also sponsored summer camps for at-risk youth to attend when school is not in session. The National Council Against the Exploitation of Child Labor (CNETI), a multi-agency Government body, coordinated efforts to eliminate child labor.

The Government's guaranteed minimum income program provided some families an alternative to sending their children to work. Since its inception, more than 691,897 persons have participated in this program. In 2001, 390,428 were receiving this benefit. The Government noted that this program had helped 16,492 children return to school.

#### e. Acceptable Conditions of Work

In December, a new labor code took effect, consolidating various laws while providing for workers' rights. Minimum-wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 and over. The monthly minimum wage during the year was approximately \$446.25 (357 euros). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage afforded a decent standard of living for a worker and family. Most workers received higher wages, with the CGTP estimating an average monthly salary of approximately \$853 (682 euros), excluding public servants.

Employees generally received 14 months' pay for 11 months' work: The extra 3 months' pay were for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday was 10 hours, and the maximum workweek was 40 hours. There was a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitored compliance through its regional inspectors.

Employers legally were responsible for accidents at work and were required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continued to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in line with EU standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacked sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiated lawsuits. A relatively large proportion of accidents occurred in the construction industry. Poor environmental controls in textile production also caused considerable concern. While the ability of workers to remove themselves from situations where these hazards existed was limited, it was difficult to fire workers for any reason and severance payments were high.

The law requires all contractors on a work site to accept responsibility for verifying a worker's legality, and makes every employer subject to penalties if the Government finds illegal immigrants laboring on a work site.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in illegal workers and, to a lesser extent, in women and children for prostitution remained a problem.

The law also criminalizes the trafficking of children under 16 years of age for the purpose of sexual exploitation and the simple exhibition or distribution of pornographic materials. Each legal provision that can be applied to traffickers (such as facilitating the illegal entry of persons, employing an illegal immigrant, false documentation, extortion, fraud, and sexual exploitation) carries a penalty of between 1 and 8 years. By citing the violation of multiple provisions, judges have handed down longer sentences.

The criminal investigation of these cases was difficult, given the sophisticated methods used by the traffickers, cultural and language barriers between immigrants and citizens, and the desire of these immigrants to earn a living. Nevertheless, the Government took an active role in investigating those involved in the trafficking of persons.

The border control agency (SEF) initiated or participated in 526 investigations during the year; 311 were in the greater Lisbon area (including the airport) and 105 were in the southern Algarve region. These operations resulted in 405 arrests or detentions involving "flagrant" violations of laws related to immigration, and these total operation/detention numbers did not include cases where the individuals were sent back to their countries of origin at the airports. Most of these 405 persons were from Africa (primarily Angola and Guinea-Bissau), Eastern Europe (primarily Ukraine, Moldova, Romania, Russia and other former-Soviet republics), Asia (primarily Pakistan and India), South America (primarily Brazil), and Portugal; the nationalities of 89 of the 405 were not recorded. According to SEF, the most serious trafficking-related crimes primarily involved individuals from Eastern Europe, but also from Brazil, parts of Africa, and China.

The individuals detained in operations involving SEF were accused of 542 crimes (compared with 510 in 2002), 357 of which involved document falsification. Other relevant charges included: Assisting illegal immigration (60), procuring illegal workers (5), sexual exploitation (7), trafficking for sexual exploitation or prostitution (2), extortion (5), physical violence (1), and kidnapping (2). SEF increased its number of liaison officers in countries of origin to help fight trafficking and illegal immigration.



In May, SEF joined six EU countries in Europol's 6-day Risk Immigration Operation IV, which took place in 6 ports (2 in the country) and resulted in the detention of 6 human traffickers, 40 cases of suspected facilitation of entry into the EU, and the denial of entry of 279 illegal immigrants.

The majority of trafficked persons originated in Moldova, Ukraine, Russia, and Belarus, for the purposes of forced and exploited labor of men. A much smaller number of women, primarily from Brazil, were trafficked into the country for prostitution. The country was also a transit point for African children, primarily from Angola, being smuggled into other European countries. Organized crime organizations, primarily of Moldovan and Ukrainian origin, were present in the country and operated largely in the transportation and extortion of Eastern European manual laborers.

Trafficked workers from Eastern Europe arrive in an organized manner. Traffickers sell "package tours" to illegal immigrants, providing them with a passport, Schengen visa, and bus transportation to the country. More than 80 percent of illegal immigrants enter the country as "tourists," having obtained Schengen visas from non-Portuguese embassies in their home countries. Along the route to the country, passengers must pay "tolls" to the traffickers. Typically upon arrival at the Spanish border, "bandits" working on behalf of the trafficking rings steal money from the trafficked persons and often steal or confiscate their passports. The victims often arrive in the country with neither money nor documents, made them easy targets for organized crime members. The SEF has cracked down on these "tourist" buses bringing illegal laborers to the country; however, the traffickers also used small vans to evade detection.

Once at their destinations, the victims lived in overcrowded, substandard "hostels." The traffickers offered them loans at very high interest rates and, for a fee, found them jobs at construction sites or other industries, e.g., textile mills, woodworking or metal shops, and marble fabrication. Generally, the traffickers' local group leader at the hostel set up the work and provided transportation. The traffickers coerced the workers into paying large portions of their salaries to them.

The trial of 20 Eastern Europeans (11 Moldovans, 5 Ukrainians, 2 Russians, 1 Georgian, and 1 Kazakhstani), arrested as part of a January 2002 operation throughout the country, began in October. They were charged with running a criminal association, running an association facilitating illegal immigration, soliciting illegal workers, sexual exploitation, issuing grave threats, and extortion (the Public Ministry was appealing the judge's decision not to include terrorism-related crimes). As a result, an alleged illegal immigration ring with ties to organized crime was dismantled.

A SEF investigation led to the detention of several individuals, including police and former SEF employees, that were accused of accepting bribes from a lawyer in exchange for granting temporary stay permits; the trial had to be re-started for technical reasons.

A revised immigration law entered into force in March, which, among other improvements, criminalized assistance given to illegal immigrants remaining in or transiting the country (the previous law only criminalized facilitating entrance into the country). The country did not have any trafficking-specific assistance programs or statistics, but APAV, many immigrant groups, and international NGOs provided assistance to victims and raised public awareness of trafficking issues. If victims chose to remain in the country, SEF worked with NGOs to relocate them to a new area, offering residence permits to victims willing to cooperate with investigations. If victims wished to depart the country, SEF helped fund their move through the International Organization for Migration (IOM). In December, the Prime Minister and other government officials participated in the "First Congress on Immigration in Portugal."